

Explanatory Statement

Native Title Act 1993

Recognition under subsection 203AD(1A)

No. 13 of 2007

This instrument is made under subsection 203AD(1A) of the *Native Title Act 1993* (the Act).

This subsection, which took effect on 15 April 2007, provides that the Commonwealth Minister for Families and Community Services and Indigenous Affairs must, by legislative instrument, recognise as the representative body for a transitionally affected area, a body that:

- a) on the day the transition period commenced, was the representative body for the area as it stood on that day; and
- b) during the transition period, applied under section 203AB to be the representative body for that area as it stood on the day the application was made.

Paragraph 203AD(2A)(a) of the Act provides that the prior recognition of a representative body ceases to have effect at the end of 30 June 2007.

As the representative body for the area described in Schedules 1 and 2 on the day the transition period commenced, the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation was invited by the Minister under section 203A to apply for recognition as the representative body for the area for a period of four years from 1 July 2007. During the transition period, and within the period specified in the invitation, the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation applied for recognition as the representative body for that area.

Paragraph 203AD(2)(b) of the Act provides that recognition of a representative body under subsection 203AD(1A) takes effect on 1 July 2007. Paragraph 203AD(2A)(b) of the Act provides that recognition of a representative body under subsection 203AD(1A) ceases to have effect at the end of the day specified in the instrument of recognition.

Subsection 203AD(1A) requires the Minister to recognise certain bodies as representative bodies (see above). Paragraph 203AD(2D)(a) requires the period for which these bodies are recognised to be the same as the period for which they were invited to apply. As the Minister has no discretion in relation to these matters, consultation about the making of the instrument was not undertaken. However, bodies that will be recognised under subsection 203AD(1A) were advised of criteria to which the Minister would have regard in making decisions about recognition periods. They were also advised that it was open to them to provide comments or information about appropriate recognition terms, and that any relevant information would be taken into account.

The instrument is not regulatory in nature, will not impact on business activity and will have no compliance costs for business or competition impact.

The instrument provides that the recognition of the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation as the representative body for the area commences on 1 July 2007 and will cease to have effect at the end of 30 June 2011.

Authority: Subsection 203AD(1A) of the *Native Title Act 1993*